

Before the  
GOVERNMENT OF THE VIRGIN ISLANDS  
OF THE UNITED STATES  
*Public Services Commission*

*In the Matter of*

ANNUAL ASSESSMENT OF PUBLIC  
UTILITY FEES

PUBLIC SERVICES COMMISSION  
ST. THOMAS VI  
2017 DEC - 7 PM 2:54

**PETITION OF THE VIRGIN ISLANDS TELEPHONE CORP.  
D/B/A VIYA FOR RECONSIDERATION**

Pursuant to 30 V.I.C. § 33 and by and through undersigned counsel, THE VIRGIN ISLANDS TELEPHONE CORPORATION d/b/a VIYA ("Viya") hereby requests that the Public Services Commission ("PSC") reconsider Order No. 8/2018, dated November 3, 2017 and hand-delivered on November 8, 2017, for the reasons stated in the letter of December 5, 2017 (attached as Exhibit A) from Elisa G. Hodge, Group Controller. Viya respectfully requests that the Commission recalculate its annual assessment, and credit and refund the overpaid amounts, as more specifically described in this letter.

Dated: December 7, 2017

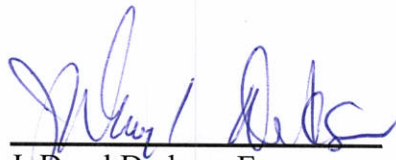
By: 

J. Daryl Dodson, Esq.  
Moore, Dodson & Russell, P.C.  
5035 Norre Gade, Suite 201  
P.O. Box 310  
Charlotte Amalie, St. Thomas  
U.S. Virgin Islands 00804-0310  
Attorneys for Virgin Islands  
Telephone Corporation d/b/a Viya

**CERTIFICATE OF SERVICE**

It is hereby certified that on this the 7 day of December, 2017, a true and exact copy of the foregoing **Petition for Reconsideration** was served, via U.S. Mail, postage prepaid, and email upon:

Boyd. L. Sprehn, Esq.  
Law Offices of John H. Benham  
P.O. Box 11720  
1001 Frederiksberg Gade  
St. Thomas, VI 00801  
Email: [sprehn@benhamlawvi.com](mailto:sprehn@benhamlawvi.com)

  
\_\_\_\_\_  
J. Daryl Dodson, Esq.



December 5, 2017

2017 DEC -6 PM 3:21

PUBLIC SERVICES COMMISSION

Via Hand Delivery and Email

Donald G. Cole  
Executive Director  
USVI Public Services Commission  
P.O. Box 40, Charlotte Amalie  
St. Thomas, VI 00804-0040

Re: 2018 Annual Assessment

Dear Director Cole:

The Virgin Islands Telephone Corporation d/b/a Viya, Caribbean Communications Corp. d/b/a Viya Cable TV St. Thomas-St. John, and St. Croix Cable TV, Inc. d/b/a Viya Cable TV St. Croix (collectively "Viya") are in receipt of the V.I. Public Services Commission Order of Annual Assessment which was hand delivered on November 8, 2017. In reviewing the assessments; however, we have determined that the assessments were improperly calculated. Pursuant to Title 30, Section 25a of the Virgin Islands Code, the basis for the assessments is to be limited to operating revenues derived from intra-territorial regulated operations. However, the assessments appear to be based on total 2016 operating revenues that include categories for Virgin Islands Telephone Corporation that are not considered intra-territorial and therefore, are not regulated revenues.

Notwithstanding the foregoing discrepancy in the calculation, as a gesture of good faith and in accordance with our Transfer of Control Agreement with the PSC, Viya has remitted payment for the full amount indicated by the PSC in Order 8/2018. However, as outlined in the calculation below, Viya has overpaid fees for the Virgin Islands Telephone Corporation in the amount of \$126,167.97 and owes the PSC \$9,578.67 in connection with Viya Cable TV St. Thomas-St. John and \$5,590.39 in connection with Viya Cable TV St. Croix. Viya respectfully requests your review of the proposed recalculated assessments and the opportunity to discuss a schedule whereby Viya can apply the overpaid amounts against the amounts owed by the Viya Cable TV entities and a refund of the remainder so that Viya can utilize those funds in its restoration and recovery efforts.<sup>1</sup>

<sup>1</sup> Viya is filing a Petition for Reconsideration in parallel to this letter for purposes of preserving the company's rights. However, it is Viya's hope that this matter can be resolved informally as outlined in this letter.

00028063-1



340-777-VIYA **Viya.vi**





Viya has recalculated the amounts due to the PSC as follows:

AS PRESENTED IN ORDER NO. 8/2018

Utility	2016 Gross Operating Revenues	Ratio	F/Y 2018 Fees
Virgin Islands Water & Power Authority	\$117,857,394.00	51.63%	\$925,349.69
Virgin Islands Telephone Corporation	\$50,648,000.00	22.19%	\$397,659.49
Virgin Islands Waste Management Authority	\$31,098,487.96	13.62%	\$244,167.76
Viya Cable TV St. Thomas-St. John	\$13,484,357.12	5.91%	\$105,871.56
Viya Cable TV St. Croix	\$7,869,858.23	3.45%	\$61,789.68
Varlack Ventures	\$3,802,974.50	1.67%	\$29,858.81
Transportation Services of St. John, Inc.	\$3,499,536.00	1.53%	\$27,476.38
<b>Total Assessable Revenue:</b>	<b>\$228,260,607.81</b>	<b>100.00%</b>	<b>\$1,792,173.37</b>

AS CORRECTED FOR VITELCO INTRA-TERRITORIAL REGULATED REVENUE PER STATUTE

Utility	2016 Gross Intra-Territorial Operating Revenues	Ratio	F/Y 2018 Fees
Virgin Islands Water & Power Authority	\$117,857,394.00	56.30%	\$1,009,070.26
Virgin Islands Telephone Corporation	\$31,709,668.00	15.15%	\$271,491.52
Virgin Islands Waste Management Authority	\$31,098,487.96	14.86%	\$266,258.72
Viya Cable TV St. Thomas-St. John	\$13,484,357.12	6.44%	\$115,450.23
Viya Cable TV St. Croix	\$7,869,858.23	3.76%	\$67,380.07
Varlack Ventures	\$3,802,974.50	1.82%	\$32,560.27
Transportation Services of St. John, Inc.	\$3,499,536.00	1.67%	\$29,962.29
<b>Total Assessable Revenue:</b>	<b>\$209,322,275.81</b>	<b>100.00%</b>	<b>\$1,792,173.37</b>



December 5, 2017

<u>Utility</u>	<u>Total Fees (PSC Calculation)</u>	<u>Total Fees (Viya Calculation)</u>	<u>Amounts Overpaid by (Underpaid by) Viya</u>
Virgin Islands Telephone Corporation	\$397,659.49	\$271,491.52	\$126,167.97
Viya Cable TV St. Thomas-St. John	\$105,871.56	\$115,450.23	\$(9,578.67)
Viya Cable TV St. Croix	\$61,789.68	\$67,380.07	\$(5,590.39)

Thank you for your prompt attention to this matter. Please feel free to contact me if you have any questions.

Sincerely,

Elisa G. Hodge  
Group Controller



(340) 717-2957 | ehodge@viya.vi

cc: Alvaro Pilar, Viya Chief Executive Officer  
Louis D. Minion, Corporate Group Controller

PUBLIC SERVICES COMMISSION  
2017 DEC -6 PM 3:24



VIRGIN ISLANDS TELEPHONE CO  
PUBL001 Public Services Commission

Payment Number  
P0000000000107443

Check Date  
Dec 4, 2017

Check Number  
0153721

Voucher Number	Invoice Number	Invoice Date	Outstanding Amt	Net Paid Amt	Discount Taken	Write Off	Net Check Amt
V000000000120301	113017 VIT	11/30/2017	\$397,659.49	\$397,659.49	\$0.00	\$0.00	\$397,659.49

TOTALS: \$397,659.49 \$397,659.49 \$0.00 \$0.00 \$397,659.49

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

VIRGIN ISLANDS TELEPHONE CO  
D/B/A INNOVATIVE TELEPHONE  
PO Box 502280  
St Thomas, VI 00805-2280

Banco Popular  
PO Box 8550  
St Thomas, VI 00801

0153721

Pay Three Hundred Ninety Seven Thousand Six Hundred Fifty Nine Dollars and 49 Cents

DATE  
Dec 4, 2017

AMOUNT  
\$397,659.49

to the Order of:  
Public Services Commission

NOT VALID AFTER 180 DAYS FROM ISSUE DATE

*Chris H. Fodge*  
Authorized Signature

⑈0153721⑈ ⑆021606674⑆ 192⑈011332⑈

VIRGIN ISLANDS TELEPHONE CO  
PUBL001 Public Services Commission

Payment Number  
P0000000000107443

Check Date  
Dec 4, 2017

Check Number  
0153721

Voucher Number	Invoice Number	Invoice Date	Outstanding Amt	Net Paid Amt	Discount Taken	Write Off	Net Check Amt
V000000000120301	113017 VIT	11/30/2017	\$397,659.49	\$397,659.49	\$0.00	\$0.00	\$397,659.49

TOTALS: \$397,659.49 \$397,659.49 \$0.00 \$0.00 \$397,659.49

2017 DEC -6 PM 3:24

PUBLIC SERVICES COMMISSION  
ST. THOMAS, VI.



STT Cable  
PUBL001

Public Services Commission

Payment Number  
P000000000107444

Check Date  
Dec 4, 2017

Check Number  
0006524

Voucher Number	Invoice Number	Invoice Date	Outstanding Amt	Net Paid Amt	Discount Taken	Write Off	Net Check Amt
V000000000120299	113017 STT	11/30/2017	\$105,871.56	\$105,871.56	\$0.00	\$0.00	\$105,871.56

TOTALS: \$105,871.56 \$105,871.56 \$0.00 \$0.00 \$105,871.56

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

STT Cable  
PO Box 502280  
St Thomas, VI 00805-2280

Banco Popular  
PO Box 8550  
St Thomas, VI 00801

0006524

Pay One Hundred Five Thousand Eight Hundred Seventy One Dollars and 56 Cents

DATE  
Dec 4, 2017

AMOUNT  
\$105,871.56

to the Order of:  
Public Services Commission

NOT VALID AFTER 180 DAYS FROM ISSUE DATE

*Olivia H. Ardy*  
Authorized Signature

⑈0006524⑈ ⑆021606674⑆ 193⑈139962⑈

STT Cable  
PUBL001

Public Services Commission

Payment Number  
P000000000107444

Check Date  
Dec 4, 2017

Check Number  
0006524

Voucher Number	Invoice Number	Invoice Date	Outstanding Amt	Net Paid Amt	Discount Taken	Write Off	Net Check Amt
V000000000120299	113017 STT	11/30/2017	\$105,871.56	\$105,871.56	\$0.00	\$0.00	\$105,871.56

TOTALS: \$105,871.56 \$105,871.56 \$0.00 \$0.00 \$105,871.56

2017 DEC -6 PM 3:24  
PUBLIC SERVICES COMMISSION  
ST THOMAS VI



STX Cable  
PUBL001

Public Services Commission

Payment Number  
P000000000107445

Check Date  
Dec 4, 2017

Check Number  
0007650

Voucher Number	Invoice Number	Invoice Date	Outstanding Amt	Net Paid Amt	Discount Taken	Write Off	Net Check Amt
V000000000120297	113017 STX	11/30/2017	\$61,789.68	\$61,789.68	\$0.00	\$0.00	\$61,789.68

TOTALS: \$61,789.68 \$61,789.68 \$0.00 \$0.00 \$61,789.68

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

STX Cable  
PO Box 502280  
St Thomas, VI 00805-2280

Banco Popular  
PO Box 8550  
St Thomas, VI 00801

0007650

Pay Sixty One Thousand Seven Hundred Eighty Nine Dollars and 68 Cents

DATE  
Dec 4, 2017

AMOUNT  
\$61,789.68

to the Order of:  
Public Services Commission

NOT VALID AFTER 180 DAYS FROM ISSUE DATE

*Elvin H. Spodge*  
Authorized Signature

⑈0007650⑈ ⑆021606674⑆ 191⑈867535⑈

STX Cable  
PUBL001

Public Services Commission

Payment Number  
P000000000107445

Check Date  
Dec 4, 2017

Check Number  
0007650

Voucher Number	Invoice Number	Invoice Date	Outstanding Amt	Net Paid Amt	Discount Taken	Write Off	Net Check Amt
V000000000120297	113017 STX	11/30/2017	\$61,789.68	\$61,789.68	\$0.00	\$0.00	\$61,789.68

TOTALS: \$61,789.68 \$61,789.68 \$0.00 \$0.00 \$61,789.68

2017 DEC -6 PM 3:24  
PUBLIC SERVICES COMMISSION  
ST THOMAS VI